THE HON'BLE SRI JUSTICE BILAL NAZKI

C.C.No.259 of 2007
&
WRIT PETITION No.7562 of 2001

Dated: 20.04.2007

W.P.No.7562 of 2001

Between:

1.M.Ch.Appa Rao and 6 others**.**

..... PETITIONERS

AND

1.The APSRTC, rep. By its
Vice Chairman & Managing Director,
APSRTC, Musheerabad, Hyderabad, and 3 others.

.....RESPONDENTS

The Hon'ble Sri Justice Bilal Nazki

C.C.No.259 of 2007

and

Writ Petition No.7562 of 2001

Common Order:

C.C.No.259 of 2007:

It is submitted by the learned Standing Counsel for the respondent-Corporation that as on today, the petitioners are continuing in service and the interim order dated 19-04-2001 passed by this Court in W.P.M.P.No.9628 of 2001 in W.P.No.7562 of 2001 has not been violated.

In this view of the matter, the Contempt Case is misplaced, and the same is, accordingly, dismissed.

W.P.No.7562 of 2001

The relief claimed in the Writ Petition reads as under:

> 'to issue a writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in trying to terminate the services of the petitioners without following the due process of law which is illegal, arbitrary and against the principles of

natural justice.'

This Writ Petition is pending in this Court for the last six years and the petitioners have been able to get an interim direction from this Court on 19-04-2001. Because of the said interim direction, they are continuing in service.

The petitioners claim that they have been in service of the respondent-Corporation for a long time, therefore, they could not be terminated without following the due process of law, whereas the respondents have mentioned that the petitioners were not at all in service and were now being continued because of the interim direction passed by this Court *vide* W.P.M.P.No.9628 of 2001, dated 19-04-2001.

Some of the petitioners herein are also petitioners in W.P.No.23732 of 2007, which has been dismissed by this Court on 12-02-2007. This Court found that the existence of an employer and employee relationship was in dispute. Therefore, the factual disputes could not be gone into by this Court in writ proceedings under Article 226 of the Constitution of India.

In any case, the relief claimed by the petitioners

in the present Writ Petition is that they should not be terminated from service without following the due process of law. I do not think that this is a case, which should remain on board for number of years. Whether the petitioners are employees of the respondent-Corporation or not is a question, which does not fall for consideration before this Court and this Court is not deciding such a question. However, the respondents are directed not to terminate the petitioners from service without following the due process of law.

The Writ Petition is, accordingly, disposed of. No costs.

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(Bilal Nazki, J)

20th April, 2007
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